

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. No. 11479
WILLIAM CARRICO
3 State Bar No. 003042
Assistant Federal Public Defender
4 411 E. Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6

7 Attorneys for Tony Nivongso

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 * * *

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 TONY NIVONGSO,
15 Defendant.
16

2:14-cr-128-JCM-PAL

STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
18 States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the United
19 States of America, and Rene L. Valladares, Federal Public Defender, and William Carrico, Assistant
20 Federal Public Defender, counsel for defendant TONY NIVONGSO, that the calendar call currently
21 scheduled for August 6, 2014, at 1:30 p.m., be vacated and the trial currently scheduled for August
22 11, 2014, at 9:00 a.m., be vacated and set to a time and date convenient to this Court. However, in
23 no event earlier than sixty (60) days.

24 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
25 including September 15, 2014 to file any and all pretrial motions and notice of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
27 have to and including September 29, 2014 to file any responses.

28 ///

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
2 have to and including October 6, 2014 to file any and all replies.

3 This Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant needs additional time to conduct investigation in this case
5 in order to determine whether there are any pretrial issues that must be litigated and whether the case
6 will ultimately go to trial or will be resolved through negotiations.

7 2. The defendant is incarcerated and does not object to the continuance.

8 3. The parties agree to the continuance.

9 4. The additional time requested herein is not sought for purposes of delay, but merely
10 to allow counsel for defendant sufficient time within which to be able to effectively and complete
11 investigation of the discovery materials provided.

12 5. Additionally, denial of this request for continuance could result in a miscarriage of
13 justice. The additional time requested by this Stipulation is excusable in computing the time within
14 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
15 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
16 3161(h)(7)(B)(i), (iv).

17 This is the first request to continue motion and trial dates filed herein.

18 DATED this 10th day of July, 2014.

19 RENE L. VALLADARES
20 Federal Public Defender

DANIEL G. BOGDEN
United States of America

21 */s/ William Carrico*

/s/ J. Gregory Damm

22 By: WILLIAM CARRICO
23 Assistant Federal Public Defender
24 Counsel for Defendant

25 By: J. GREGORY DAMM
26 Assistant United States Attorney
27 Counsel for the Plaintiff
28

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

2:14-cr-128-JCM-PAL

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

vs.

TONY NIVONGSO,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

///

///

///

///

///

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including September 15, 2014 to file any and all pretrial motions and notice of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including September 29, 2014 to file any responses.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including October 6, 2014 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 29th day of October, 2014, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for August 6, 2014, at the hour of 1:30 p.m., be vacated and continued to 10-29-14 at the hour of 1:30 p.m.; and the trial currently scheduled for August 11, 2014, at the hour of 9:00 a.m., be vacated and continued to 11-2-14 at the hour of 9: 00 a.m.

DATED July 15, 2014.


UNITED STATES DISTRICT JUDGE